

Central Information Commission
Appeal No.CIC/PB/C/2008/00525-SM dated 04.04.2008
Right to Information Act-2005-Under Section (19)

Dated 22.01.2009

Appellant: Ms Madhulika Mehra

Respondent: Bank of Rajasthan Ltd.

The Appellant was present in person.

Respondent was absent inspite of notice.

The brief facts of the case are as under:

2. The Appellant had requested the Chairman of the Committee on Sexual Harassment against women employees in the Bank of Rajasthan and the CPIO seeking information on a number of items concerning the complaints registered by various women's in the Women Cell and the investigation made by that Cell from time to time. The Secretary of the Committee replied to her in her letter dated 15.03.2008 and provided part of the information but refused to make available copies of the proceedings of the Committee. She further claimed that the provisions of the Right to Information (RTI) Act were not applicable to the Bank. The Appellant has approached this Commission in her letter dated 04.04.2008.

3. During the hearing, the Respondent was not present. The Respondent has informed the Commission that although they have furnished some information to the Appellant, they being a private sector Bank would not fall under the definition of Public Authority under the Right to Information (RTI) Act. The main issue in this case is whether the Bank of Rajasthan Ltd., is indeed a Public Authority within the meaning of Section 2(h) of the RTI Act. The relevant clause reads as follows:

"Public Authority means any authority or body or institution of self-Government established or constituted-

- (a) by or under the Constitution;*
- (b) by any other law made by Parliament;*
- (c) by any other law made by State Legislature;*

(d) by notification issued or order made by the appropriate Government, and includes any-

- (i) body owned, controlled or substantially financed;*
- (ii) non-government organization substantially financed,*

directly or indirectly by funds provided by the appropriate Government;”

4. It is obvious that the Bank of Rajasthan does not come under Section 2(h) (a) (b) & (c) of the RTI Act. However, whether this bank is a body owned, controlled or substantially financed by the Central Government as per the clause (h) (d) & (i) remains to be decided. The Appellant has claimed that both the rules and regulations framed by the Reserve Bank of India and the Banking Regulation Act are applicable to this Bank and, hence, this should be treated as a Public Authority. It is an admitted fact that the Government of India does not appoint the Chairman and Managing Director or other Directors of this Bank. It is neither a nationalized nor a public sector Bank. We have no record before us to show that the Central Government has substantially financed this Bank. Except for the application of various statutory controls and regulations applicable to any Financial and Banking Institution, there appears to be no other control exercised by the Government of India on this Bank. Therefore, this being a private Bank, the provisions of the RTI Act cannot be extended to it. We cannot entertain an appeal against any order passed by the Bank and, hence, reject it.

5. Copies of this order be given free of cost to the parties.

Sd/-
(Satyananda Mishra)
Information Commissioner

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges prescribed under the Act to the CPIO of this Commission.

Sd/-
(Vijay Bhalla)
Assistant Registrar

